

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2007-0230-AIR-E TCEQ ID: RN100218973 CASE NO.: 32648**  
**RESPONDENT NAME: Formosa Plastics Corporation, Texas**

Page 1 of 2

<b>ORDER TYPE:</b>		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input checked="" type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

**SITE WHERE VIOLATION(S) OCCURRED:** Formosa Point Comfort Plant, 201 Formosa Drive, Gate 3, Point Comfort, Calhoun County

**TYPE OF OPERATION:** Synthetic chemical manufacturing plant

**SMALL BUSINESS:** ☐ Yes ☒ No

**OTHER SIGNIFICANT MATTERS:** There are no complaints. There are four additional pending enforcement actions regarding this facility location, Docket Nos. 2006-1840-AIR-E, 2006-0429-AIR-E, 2007-0771-AIR-E, and 2007-1227-AIR-E.

**INTERESTED PARTIES:** No one other than the ED and the Respondent has expressed an interest in this matter.

**COMMENTS RECEIVED:** The *Texas Register* comment period expired on January 14, 2008. No comments were received.

**CONTACTS AND MAILING LIST:**  
**TCEQ Attorney/SEP Coordinator:** Ms. Sharon Blue, SEP Coordinator, Litigation Division, MC 175, (512) 239-2223  
**TCEQ Enforcement Coordinator:** Mr. Samuel Short, Enforcement Division, Enforcement Team 2, MC 219, (512) 239-5363;  
 Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  
**Respondent:** Mr. Randall P. Smith, General Manager, Formosa Plastics Corporation, Texas, Post Office Box 700, Point Comfort, Texas 77978  
**Respondent's Attorney:** Not represented by counsel on this enforcement matter

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> November 15, 2006</p> <p><b>Date of NOE Relating to this Case:</b> February 1, 2007</p> <p><b>Background Facts:</b> This was a routine records review.</p> <p><b>AIR</b></p> <p>1) Failure to prevent the unauthorized release of air contaminants into the atmosphere during a March 22, 2006 emissions event that lasted 24 hours and 30 minutes. Specifically, maintenance activity at the Vinyl Chloride Monomer ("VCM") Plant caused the release of 143.38 pounds ("lbs") of ethylene dichloride and 14.18 lbs of VCM that were not authorized. The events did not meet the demonstration criteria necessary to present an affirmative defense for the unauthorized emissions [30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), TEX. HEALTH &amp; SAFETY CODE § 382.085(b), and Air Permit No. 7699, Special Condition No. 1].</p> <p>2) Failure to submit a timely and accurate initial notification of an emissions event within 24 hours of discovery. Specifically, the initial notification was due on March 23, 2006 and was not submitted until September 7, 2006 [30 TEX. ADMIN. CODE § 101.201(a)(1)(A) and (a)(1)(B) and TEX. HEALTH &amp; SAFETY CODE § 382.085(b)].</p>	<p><b>Total Assessed:</b> \$6,422</p> <p><b>Total Deferred:</b> \$0  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$3,211</p> <p><b>Total Paid to General Revenue:</b> \$3,211</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p> <p><b>Findings Orders Justification:</b>  This is a Findings order because the Respondent received three repeated enforcement actions (NOVs) over the prior five year period for the same violation.</p>	<p><b>Ordering Provisions:</b></p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP).</p> <p>2) The Order will also require the Respondent to:</p> <p>a. Within 15 days after the effective date of this Agreed Order, implement procedures to ensure that the initial notifications of emissions events are reported in a timely and accurate manner;</p> <p>b. Within 15 days after the effective date of this Agreed Order, implement procedures to ensure that the calculations for emissions are done correctly;</p> <p>c. Within 15 days after the effective date of this Agreed Order, develop and implement training for maintenance personal to prevent similar future emissions events from occurring; and</p> <p>d. Within 30 days after the effective date of this Agreed Order, submit written certification to demonstrate compliance with Ordering Provisions a., b., and c.</p>

Additional ID No(s): CB0038Q

**Attachment A**  
**Docket Number: 2007-0230-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** Formosa Plastics Corporation, Texas

**Penalty Amount:** Six Thousand Four Hundred Twenty-Two Dollars (\$6,422)

**SEP Amount:** Three Thousand Two Hundred Eleven Dollars (\$3,211)

**Type of SEP:** Contribution to Third-Party Administrator (pre-approved concept)

**Third-Party Recipient:** City of Point Comfort *Wastewater Treatment Plant Repair Assistance*

**Location of SEP:** Calhoun County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**A. Project**

The Respondent shall contribute the SEP Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be to the City of Point Comfort, Texas for its *Wastewater Treatment Plant Repair Assistance* project. The Third Party Recipient shall use SEP funds to assist in rehabilitation of its wastewater treatment system as described below:

- Rehabilitation of the main sanitary sewer lift station (excluding the cost of installation of new high level alarms) to prevent sewage overflows or backups of sewage into residences;
- Replacement of the final effluent outfall line at the wastewater treatment facility site; and
- Simultaneous deconstruction of portions of the former site, which will alleviate storm water inflow into the chlorine contact chamber at the treatment facility.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

**B. Environmental Benefit**

The lift station rehabilitation portion of this SEP will provide a discernible environmental benefit by helping to prevent the release of raw sewage into the environment, which will protect ground, surface, and drinking water sources, the general public and wildlife from contamination from sewage.

Raw sewage can carry bacteria, viruses, protozoa (parasitic organisms), helminthes (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild



gastroenteritis (causing stomach cramps and diarrhea) to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis.

People can be exposed through:

- Sewage in drinking water sources.
- Direct contact in areas of public access such as lawns, in streets, or in waters used for recreation.
- Shellfish harvested from areas contaminated by raw sewage.
- Inhalation and skin absorption.

Sewage overflows may cause damage to the environment. A key concern with sewage overflows is the effect on rivers, lakes, streams, or aquifer systems. In addition to potential spread of disease, sewage in the environment contributes excess nutrients, metals, and toxic pollutants that contaminate water quality, cause excess algae blooms, and kill fish and other organisms in aquatic habitats.

The outfall line and plant deconstruction portions of this SEP will provide a discernible environmental benefit by reducing storm water inflow into the chlorine contact chamber of the treatment facility, which will reduce the likelihood of discharge of improperly disinfected wastewater effluent.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

City of Point Comfort  
Attention: Honorable Pam Lambden, Mayor  
P.O. Box 497  
Point Comfort, Texas 77978

**3. Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087



**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

In the event of incomplete performance of the SEP, the Respondent shall submit a check for any amount due with a notation that the payment is for a "SEP Refund", and include the docket number of this case. The Respondent shall make the check out to "Texas Commission on Environmental Quality" and mail it to:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP amount identified in this Agreed Order has not been, and shall not be, included as a SEP amount for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.







# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 9, 2007

<b>DATES</b>	<b>Assigned</b>	5-Feb-2007	<b>Screening</b>	14-Feb-2007	<b>EPA Due</b>	12-Aug-2007
	<b>PCW</b>	15-Feb-2007				

<b>RESPONDENT/FACILITY INFORMATION</b>			
<b>Respondent</b>	Formosa Plastics Corporation, Texas		
<b>Reg. Ent. Ref. No.</b>	RN100218973		
<b>Facility/Site Region</b>	14-Corpus Christi	<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>				
<b>Enf./Case ID No.</b>	32648	<b>No. of Violations</b>	2	
<b>Docket No.</b>	2007-0230-AIR-E	<b>Order Type</b>	Findings	
<b>Media Program(s)</b>	Air Quality	<b>Enf. Coordinator</b>	Samuel Short	
<b>Multi-Media</b>		<b>EC's Team</b>	EnforcementTeam 4	
<b>Admin. Penalty \$</b>	<b>Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$2,600**

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** **149%** Enhancement **Subtotals 2, 3, & 7** **\$3,874**

**Notes**  
A 149% enhancement is recommended for having three NOV's for the same or similar violations, 22 NOV's for non-similar violations, two Agreed Orders with denial, and two Agreed Orders without denial within the last five years.

**Culpability** **No** **0%** Enhancement **Subtotal 4** **\$0**

**Notes**  
The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** **0%** Reduction **Subtotal 5** **\$0**

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

**Notes**  
The Respondent does not meet the good faith criteria.

**Total EB Amounts** **\$24** **0% Enhancement\*** **Subtotal 6** **\$0**  
**Approx. Cost of Compliance** **\$500** **\*Capped at the Total EB \$ Amount**

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$6,474**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **-1%** **Adjustment** **-\$52**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

**Notes**  
Recommended reduction in the penalty to prevent double-enhancement of the penalty amount for same violations that were self-reported.

**Final Penalty Amount** **\$6,422**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$6,422**

**DEFERRAL** **0%** Reduction **Adjustment** **\$0**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**  
No deferral is recommended for Findings Orders.

**PAYABLE PENALTY** **\$6,422**

Screening Date 14-Feb-2007

Docket No. 2007-0230-AIR-E

PCW

Respondent Formosa Plastics Corporation, Texas

Policy Revision 2 (September 2002)

Case ID No. 32648

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN100218973

Media [Statute] Air Quality

Enf. Coordinator Samuel Short

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	3	15%
	Other written NOVs	22	44%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 149%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

## Compliance History Notes

A 149% enhancement is recommended for having three NOVs for the same or similar violations, 22 NOVs for non-similar violations, two Agreed Orders with denial, and two Agreed Orders without denial within the last five years.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 149%

Screening Date 14-Feb-2007

Docket No. 2007-0230-AIR-E

PCW

Respondent Formosa Plastics Corporation, Texas

Policy Revision 2 (September 2002)

Case ID No. 32648

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN100218973

Media [Statute] Air Quality

Enf. Coordinator Samuel Short

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 101.20(3) and 116.115(c), Tex. Health &amp; Safety Code § 382.085(b), and Air Permit No. 7699, Special Condition No. 1

Violation Description

Failed to prevent the unauthorized release of air contaminants into the atmosphere during a March 22, 2006 emissions event that lasted 24 hours and 30 minutes. Specifically, maintenance activity at the Vinyl Chloride Monomer ("VCM") Plant caused the release of 143.38 pounds ("lbs") of ethylene dichloride and 14.18 lbs of VCM that were not authorized. The events did not meet the demonstration criteria necessary to present an affirmative defense for the unauthorized emissions.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$7,500

\$2,500

## Violation Events

Number of Violation Events 1

2 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$2,500

One single event is recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$18

Violation Final Penalty Total \$6,175

This violation Final Assessed Penalty (adjusted for limits) \$6,175

## Economic Benefit Worksheet

**Respondent** Formosa Plastics Corporation, Texas  
**Case ID No.** 32848  
**Reg. Ent. Reference No.** RN100218973  
**Media** Air Quality  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$250	22-Mar-2006	30-Aug-2007	1.4	\$18	n/a	\$18

Notes for DELAYED costs

The estimated cost to calculate emissions correctly. Date required is the date that the emissions event occurred and the final date is the estimated date of compliance.

### Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$18

Screening Date 14-Feb-2007

Docket No. 2007-0230-AIR-E

PCW

Respondent Formosa Plastics Corporation, Texas

Policy Revision 2 (September 2002)

Case ID No. 32648

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN100218973

Media [Statute] Air Quality

Enf. Coordinator Samuel Short

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 101.201(a)(1)(A) and (a)(1)(B) and Tex. Health &amp; Safety Code § 382.085(b)

## Violation Description

Failed to submit a timely and accurate initial notification of an emissions event within 24 hours of discovery. Specifically, the initial notification was due on March 23, 2006 and was not submitted until September 7, 2006.

Base Penalty \$10,000

## &gt;&gt; Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

## &gt;&gt; Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

Less than 30% of the rule requirement was not met.

Adjustment \$9,900

\$100

## Violation Events

Number of Violation Events 1

168 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$100

One single event is recommended.

## Economic Benefit (EB) for this violation

## Statutory Limit Test

Estimated EB Amount \$6

Violation Final Penalty Total \$247

This violation Final Assessed Penalty (adjusted for limits) \$247

## Economic Benefit Worksheet

**Respondent:** Formosa Plastics Corporation, Texas  
**Case ID No.:** 32648  
**Reg. Ent. Reference No.:** RN100218973  
**Media:** Air Quality  
**Violation No.:** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$250	23-Mar-2006	7-Sep-2006	0.5	\$6	n/a	\$6

Notes for DELAYED costs

The estimated cost to prepare and submit a complete and accurate initial notification for an emissions event. Date required is the date in which the initial notification was due. Final date is the date in which the initial notification was submitted.

### Avoided Costs

**ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)**

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

**TOTAL**

\$6

# Compliance History

Customer/Respondent/Owner-Operator:	CN600130017	Formosa Plastics Corporation,	Classification: AVERAGE	Rating: 3.53
Regulated Entity:	RN100218973	FORMOSA POINT COMFORT PLANT	Classification: AVERAGE	Site Rating: 11.63
ID Number(s):				
	AIR OPERATING PERMITS	ACCOUNT NUMBER	CB0038Q	
	AIR OPERATING PERMITS	PERMIT	1484	
	AIR OPERATING PERMITS	PERMIT	1951	
	AIR OPERATING PERMITS	PERMIT	1953	
	AIR OPERATING PERMITS	PERMIT	1954	
	AIR OPERATING PERMITS	PERMIT	1955	
	AIR OPERATING PERMITS	PERMIT	1956	
	AIR OPERATING PERMITS	PERMIT	1957	
	AIR OPERATING PERMITS	PERMIT	1958	
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	EPA ID	TXT490011293	
	INDUSTRIAL AND HAZARDOUS WASTE GENERATION	SOLID WASTE REGISTRATION # (SWR)	31945	
	AIR NEW SOURCE PERMITS	PERMIT	7699	
	AIR NEW SOURCE PERMITS	PERMIT	17030	
	AIR NEW SOURCE PERMITS	PERMIT	17158	
	AIR NEW SOURCE PERMITS	PERMIT	19166	
	AIR NEW SOURCE PERMITS	PERMIT	19167	
	AIR NEW SOURCE PERMITS	PERMIT	19168	
	AIR NEW SOURCE PERMITS	PERMIT	19198	
	AIR NEW SOURCE PERMITS	PERMIT	19199	
	AIR NEW SOURCE PERMITS	PERMIT	19200	
	AIR NEW SOURCE PERMITS	PERMIT	19201	
	AIR NEW SOURCE PERMITS	PERMIT	19871	
	AIR NEW SOURCE PERMITS	PERMIT	20203	
	AIR NEW SOURCE PERMITS	PERMIT	24947	
	AIR NEW SOURCE PERMITS	PERMIT	29765	
	AIR NEW SOURCE PERMITS	PERMIT	31130	
	AIR NEW SOURCE PERMITS	PERMIT	26267	
	AIR NEW SOURCE PERMITS	PERMIT	26270	
	AIR NEW SOURCE PERMITS	PERMIT	26351	
	AIR NEW SOURCE PERMITS	PERMIT	26523	
	AIR NEW SOURCE PERMITS	PERMIT	26266	
	AIR NEW SOURCE PERMITS	PERMIT	35292	
	AIR NEW SOURCE PERMITS	PERMIT	37070	
	AIR NEW SOURCE PERMITS	PERMIT	40157	
	AIR NEW SOURCE PERMITS	PERMIT	40293	
	AIR NEW SOURCE PERMITS	PERMIT	41145	
	AIR NEW SOURCE PERMITS	PERMIT	43265	
	AIR NEW SOURCE PERMITS	PERMIT	44847	
	AIR NEW SOURCE PERMITS	PERMIT	44933	
	AIR NEW SOURCE PERMITS	ACCOUNT NUMBER	CB0038Q	
	AIR NEW SOURCE PERMITS	PERMIT	52859	
	AIR NEW SOURCE PERMITS	PERMIT	52259	
	AIR NEW SOURCE PERMITS	REGISTRATION	75974	
	AIR NEW SOURCE PERMITS	PERMIT	76305	
	AIR NEW SOURCE PERMITS	PERMIT	76044	
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX1053	
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX699	
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX760M3	
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX760M4	
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX1058	
	AIR NEW SOURCE PERMITS	EPA ID	PSDTX760M6	
	AIR NEW SOURCE PERMITS	REGISTRATION	78769	
	AIR NEW SOURCE PERMITS	AFS NUM	4805700015	
	AIR NEW SOURCE PERMITS	REGISTRATION	79826	
	AIR NEW SOURCE PERMITS	REGISTRATION	80198	
	AIR NEW SOURCE PERMITS	REGISTRATION	81027	
	AIR NEW SOURCE PERMITS	REGISTRATION	81109	
	AIR NEW SOURCE PERMITS	EPA ID	HAP2	
	AIR NEW SOURCE PERMITS	EPA ID	HAP7	

AIR NEW SOURCE PERMITS  
AIR NEW SOURCE PERMITS

REGISTRATION  
REGISTRATION

PSDTX760M8  
83326

AIR NEW SOURCE PERMITS  
USED OIL  
WASTEWATER  
WASTEWATER  
UNDERGROUND INJECTION CONTROL  
UNDERGROUND INJECTION CONTROL  
IHW CORRECTIVE ACTION

REGISTRATION  
REGISTRATION  
PERMIT  
EPA ID  
PERMIT  
PERMIT  
SOLID WASTE  
REGISTRATION # (SWR)

83308  
C86337  
WQ0002436000  
TX0085570  
WDW402  
WDW403  
31945

Location: 201 FORMOSA DR, POINT COMFORT, TX, 77978 Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 14 - CORPUS CHRISTI

Date Compliance History Prepared: November 30, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: February 09, 2002 to February 09, 2007

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Samuel Short Phone: (512) 239-5363

### Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period?
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

### Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A Effective Date: 11/11/2004 ADMINORDER 2000-1144-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
40 CFR Part 61, Subpart F 61.65(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to prevent a nonemergency relief valve discharge of VCL to the atmosphere on July 24, 2000

Classification: Moderate

Citation: 5C THC Chapter 382, SubChapter A 382.085(b)

Description: Emitted approximately 2,870 lbs of heptane into the atmosphere from a spill which occurred on July 11, 2000.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
40 CFR Part 61, Subpart F 61.65(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to prevent a nonemergency relief valve discharge of VCL and HCL to the atmosphere on April 20, 2000.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
40 CFR Part 61, Subpart F 61.64(a)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Exceeded the maximum allowable VCL concentration of 10 ppm in a reactor exhaust gas stream on July 9, 2000 and September 29, 2000

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)



30 TAC Chapter 113, SubChapter C 113.100

40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)

40 CFR Part 61, Subpart A 61.12(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to maintain the Plant in a manner consistent with good air pollution control practices for minimizing emissions

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: General Condition PERMIT

Description: Exceeded the MAER at the olefins elevated flare for VOCs, NOx, CO, and opacity on July 15-16, 2000, and October 12, 2000.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: SC 9F PERMIT

Description: Formosa failed to conduct performance testing as required for EPNs 313G and 313H

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)

30 TAC Chapter 116, SubChapter B 116.115(b)(2)(G)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: General Condition PERMIT

Description: Exceeded the permitted PM emission rate from EPN 313H during a performance test conducted on October 11-12, 2001

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 101, SubChapter A 101.7(a)

30 TAC Chapter 113, SubChapter C 113.100

40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)

40 CFR Part 61, Subpart K 61.122(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to maintain and operate the vinyl plant in a manner consistent with good air pollution control practice for minimizing emissions, by allowing continuous leaks from Chill Water

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

40 CFR Part 61, Subpart F 61.63(a)

40 CFR Part 61, Subpart F 61.64(a)(1)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to limit the concentration of vinyl chloride to 10 parts per million averaged over a three hour period.

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)

30 TAC Chapter 116, SubChapter B 116.115(b)

40 CFR Part 61, Subpart F 61.63(a)

40 CFR Part 61, Subpart F 61.64(a)(1)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: GC 8 PERMIT

Description: Exceeded the MAER for VCL at plant incinerator VH-801C

Citation: 30 TAC Chapter 101, SubChapter A 101.6(a)(1)  
5C THC Chapter 382, SubChapter A 382.085(b)

Citation: 30 TAC Chapter 101, SubChapter A 101.6(b)  
5C THC Chapter 382, SubChapter A 382.085(b)

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)  
5C THC Chapter 382, SubChapter A 382.085(b)

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)  
30 TAC Chapter 116, SubChapter B 116.115(b)  
  
5C THC Chapter 382, SubChapter A 382.085(b)

**Classification:** Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
40 CFR Part 61, Subpart A 61.12(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to maintain and operate the vinyl plant in a manner consistent with good air pollution control practice for minimizing emissions on February 4, 2002,

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
40 CFR Chapter 61, SubChapter C, PT 61, SubPT A 61.12(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to maintain and operate the vinyl plant consistent with good air pollution control practice for minimizing emissions on February 5, 2002

Effective Date: 02/10/2005

ADMINORDER 2004-0781-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(2)  
30 TAC Chapter 113, SubChapter C 113.100

30 TAC Chapter 116, SubChapter B 116.115(b)

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 61, SubChapter C, PT 61, SubPT A 61.12(c)

40 CFR Chapter 63, SubChapter C, PT 63, SubPT A 63.6(e)

5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failed to maintain and operate the Vinyl Plant in a manner consistent with good air pollution practice for minimizing emissions by allowing extended storage/installation of the vinyl chloride monomer (VCM) process area overhead condensers.

Classification: Major

Citation: 30 TAC Chapter 116, SubChapter B 116.115(b)  
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: General Cond. F & Special Condition 1 PERMIT

Description: Failed to maintain an emission rate below the allowable emission limit for VCM of 1.6 pounds per hour (lbs/hr) from the VCM process area cooling tower (EPN VW-C11) overhead condensers (FIN VE-504D and E).

Effective Date: 12/30/2005

ADMINORDER 2005-0125-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)  
30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition No. 1 PERMIT  
Special Condition No. 12 PERMIT

Description: Failure prevent unauthorized emissions from EPNs 1018 and 1067. Formosa failed to satisfy all demonstrations criteria as listed under 30 TAC 101.222(b) and gain regulatory authority for the emissions released from two emissions events, Incident Nos. 25241 and 25275, that occurred on July 15, 2003.

Classification: Moderate

Citation: 30 TAC Chapter 111, SubChapter A 111.111(a)(4)(A)(ii)

30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT  
Special Condition 12 PERMIT

Description: Failure to prevent unauthorized emissions from EPN 1018. Formosa failed to satisfy all demonstration criteria in 30 TAC §101.222(b) and gain an affirmative defense for unauthorized emissions that were released from the Olefins 1 facility during an emissions event which occurred on or about June 30, 2004.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: 7699 / PSD-TX-226M6 PA

Description: Failure to prevent unauthorized emissions from EPN 999. Formosa failed to obtain regulatory authority or meet the demonstration requirements of 30 TAC 101.222 for vinyl chloride emissions involving Cooling Tower VW-CO1 during an emissions event which began on August 14,

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(g)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to electronically provide rule required information in the rule required format. Specifically, the reportable emissions event was not reported via STEERS within 24 hours of

Effective Date: 06/26/2006

ADMINORDER 2005-0938-AIR-E

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failure to maintain hydrogen chloride (HCl) emissions at or below the 0.14 lb/hr permitted limits. Specifically, emission test results of the Ethylene Dichloride Incinerator C (EPN 6002C), conducted on December 16, 2004, reported HCl emissions of 2.183 lb/hr.

Classification: Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
5C THC Chapter 382, SubChapter A 382.085(b)

Rqmt Prov: Special Condition 1 PERMIT

Description: Failure to meet the demonstration requirements of 30 Texas Admin. Code §101.222(b), specifically (b)(1), and gain an affirmative defense for emissions released during two emissions events, TCEQ Incidents 52272 and 54851, which were discovered on December 3, 2004, and December 6, 2005, respectively.

Classification: Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)(1)(B)  
5C THC Chapter 382, SubChapter A 382.085(b)

Description: Failure to notify the TCEQ Corpus Christi Region Office within 24 hours after the discovery of an emissions event. Specifically, two planned start-up activities, TCEQ Incidents 49733 and 49731, which both occurred on November 20, 2004, became emissions events on December 3, 2004, and December 6, 2005, respectively.

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	02/22/2002	(208201)
N/A		
2	03/01/2002	(139760)
3	03/06/2002	(139761)
4	03/19/2002	(139762)
5	03/19/2002	(139763)
6	03/22/2002	(208204)
7	03/28/2002	(139764)
8	03/28/2002	(139765)
9	03/28/2002	(139766)
10	03/28/2002	(139767)
11	03/28/2002	(139768)
12	03/28/2002	(139769)

13	03/28/2002	(139770)
14	04/18/2002	(208209)
15	05/20/2002	(208213)
16	05/23/2002	(593324)
17	06/19/2002	(208217)

18	07/22/2002	(208221)
19	08/05/2002	(5526)
20	08/22/2002	(208224)
21	09/23/2002	(208227)
22	10/04/2002	(13352)
23	10/04/2002	(13306)
24	10/21/2002	(208230)
25	10/25/2002	(14015)
26	10/25/2002	(13552)
27	10/25/2002	(14020)
28	10/25/2002	(14123)
29	10/25/2002	(13538)
30	10/25/2002	(14010)
31	10/25/2002	(13508)
32	10/25/2002	(14834)
33	10/25/2002	(13558)
34	11/22/2002	(208234)
35	11/25/2002	(17197)
36	11/25/2002	(17582)
37	11/25/2002	(17362)
38	11/25/2002	(17710)
39	11/25/2002	(17367)
40	11/25/2002	(17115)
41	11/25/2002	(17252)
42	11/26/2002	(17697)
43	11/26/2002	(17655)
44	12/23/2002	(208238)
45	12/23/2002	(18198)
46	01/23/2003	(208242)
47	01/31/2003	(23597)
48	02/28/2003	(208202)
49	03/10/2003	(23786)
50	03/25/2003	(208205)
51	04/21/2003	(208210)
52	05/02/2003	(25912)
53	06/11/2003	(208214)
54	06/24/2003	(208218)
55	07/30/2003	(61118)
56	08/07/2003	(316662)
57	08/25/2003	(316664)
58	09/23/2003	(316666)
59	10/28/2003	(316668)
60	11/24/2003	(316669)
61	12/29/2003	(316670)
62	01/23/2004	(316671)
63	01/27/2004	(260399)
64	02/24/2004	(316653)
65	02/25/2004	(259754)
66	03/11/2004	(253895)
67	03/17/2004	(265434)
68	03/23/2004	(316655)
69	03/26/2004	(264531)
70	04/15/2004	(267931)
71	04/22/2004	(316656)
72	05/24/2004	(316658)

73	06/18/2004	(276036)
74	06/22/2004	(316660)
75	06/22/2004	(273805)
76	07/15/2004	(282138)
77	07/27/2004	(284340)
78	07/28/2004	(361023)
79	08/24/2004	(361024)
80	09/21/2004	(361025)
81	10/07/2004	(290237)
82	10/21/2004	(361026)
83	11/23/2004	(361027)
84	12/17/2004	(292882)
85	12/27/2004	(386885)

86	12/28/2004	(345075)
87	12/29/2004	(341344)
88	01/24/2005	(386886)
89	02/10/2005	(346929)
90	02/22/2005	(386883)
91	03/22/2005	(386884)
92	04/11/2005	(376939)
93	04/14/2005	(373413)
94	04/20/2005	(375911)
95	04/22/2005	(424698)
96	05/03/2005	(378050)
97	05/06/2005	(351122)
98	05/23/2005	(424699)
99	06/07/2005	(377227)
100	06/21/2005	(424700)
101	07/21/2005	(400202)
102	07/22/2005	(445391)
103	08/01/2005	(401922)
104	08/02/2005	(401840)
105	08/02/2005	(401946)
106	08/16/2005	(374480)
107	08/19/2005	(401926)
108	08/22/2005	(398698)
109	08/22/2005	(445392)
110	08/25/2005	(401908)
111	08/29/2005	(406996)
112	08/31/2005	(407352)
113	09/16/2005	(431883)
114	09/21/2005	(432632)
115	09/23/2005	(445393)
116	10/08/2005	(433294)
117	10/24/2005	(445394)
118	11/22/2005	(476821)
119	12/20/2005	(476822)
120	12/30/2005	(450540)
121	01/02/2006	(450795)
122	01/23/2006	(476823)
123	01/30/2006	(439909)
124	02/22/2006	(476819)
125	03/22/2006	(476820)
126	03/27/2006	(459161)
127	04/04/2006	(439904)
128	04/04/2006	(439905)
129	04/04/2006	(449815)
130	04/04/2006	(451199)
131	04/04/2006	(438249)
132	04/13/2006	(454110)
133	04/24/2006	(503676)

134 04/24/2006 (503679)  
 135 04/28/2006 (435129)  
 136 04/28/2006 (454108)  
 137 05/05/2006 (464365)  
 138 05/12/2006 (463945)  
 139 05/22/2006 (503677)  
 140 06/02/2006 (461335)  
 141 06/07/2006 (465772)  
 142 06/14/2006 (450942)  
 143 06/14/2006 (480076)  
 144 06/23/2006 (503678)  
 145 06/27/2006 (482129)  
 146 07/07/2006 (485310)  
 147 07/20/2006 (482883)  
 148 08/03/2006 (489597)  
 149 08/21/2006 (526033)  
 150 08/30/2006 (509837)  
 151 08/30/2006 (497562)  
 152 08/30/2006 (510729)  
 153 08/31/2006 (509975)

154 09/01/2006 (510775)  
 155 09/25/2006 (526034)  
 156 09/26/2006 (462238)  
 157 09/26/2006 (512144)  
 158 09/26/2006 (514141)  
 159 10/09/2006 (513839)  
 160 10/12/2006 (515322)  
 161 10/12/2006 (514515)  
 162 10/19/2006 (513945)  
 163 10/23/2006 (550418)  
 164 10/26/2006 (513991)  
 165 11/06/2006 (514634)  
 166 11/15/2006 (519298)  
 167 11/17/2006 (519684)  
 168 11/20/2006 (550419)  
 169 11/21/2006 (516781)  
 170 11/30/2006 (532252)  
 171 12/08/2006 (519141)  
 172 12/15/2006 (517230)  
 173 12/20/2006 (550420)  
 174 12/21/2006 (516229)  
 175 01/16/2007 (532907)  
 176 01/17/2007 (550421)  
 177 01/18/2007 (535414)  
 178 01/24/2007 (511068)  
 179 02/01/2007 (531203)  
 180 02/01/2007 (538682)  
 181 02/08/2007 (538669)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date 02/28/2002 (208204)

Self Report? YES

Classificati Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date 08/31/2002 (208227)

Self Report? YES

Classificati Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date 11/30/2002 (208238)





Chloride (HCl). Specifically, testing of Ethylene Dichloride Incinerator B (EPN 6002B), conducted on June 21 and 22, 2004 indicated emissions of HCl of 4.956 lb/hr, exceeding the permitted allowable of 0.14 lb/hr.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)

Description: Failed to demonstrate compliance with emission limits for Hydrogen Chloride (HCl). Specifically, testing of Ethylene Dichloride Incinerator (EPN 6002C), conducted on June 21 and 22, 2004 indicated emissions of HCl of 3.813 lb/hr, exceeding the permitted allowable of 0.14 lb/hr.

Date 07/21/2005 (400202)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PERMIT TPDES Permit No. WQ0002436-000

Description: Failure to maintain the effluent quality within the permitted limits.

Date 07/31/2005 (445392)

Self Report? YES Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date 08/19/2005 (401926)

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Description: Failure to include all instances of deviations in the two Deviation Reports (DR) submitted in the April 19, 2004 through April 18, 2005 time period.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 122, SubChapter B 122.146(5)(D)

Description: Failure to include or reference in the annual permit compliance certification (PCC) the identification of all other terms and conditions of the permit for which compliance was not achieved.

Date 10/31/2005 (476821)

Self Report? YES Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date 05/31/2006 (503678)

Self Report? YES Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)

Description: Failure to meet the limit for one or more permit parameter

Date 06/07/2006 (450942)

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Description: Failure to submit all instances of deviations as required by rule.

Self Report? NO Classification Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)

30 TAC Chapter 116, SubChapter B 116.115(c)

40 CFR Chapter 60, SubChapter C, PT 60, SubPT VV 60.482-6(a)(1)

Rqmt Prov: PERMIT 7699/Special Condition No. 13E

Description: Failure to equip each open ended valve or line with a cap, blind flange, plug, or a second valve, as required by 40 Code of Federal Regulations (CFR) §60.482-6(a)(1).

Date 07/20/2006 (482883)

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.145(2)(A)

Description: Failure to comply with the Federal Operating Permit Compliance Certification Terms and Conditions. Formosa failed to report all instances of deviations in the Semi-Annual Compliance Certification for the certification period which began on October 22, 2004 through April 20, 2005.

Self Report? NO Classification Minor

Citation: 30 TAC Chapter 122, SubChapter B 122.146(5)(D)

Description: Failure to comply with the Federal Operating Permit Compliance Certification Terms and Conditions. Formosa failed to report all instances of deviations in the Annual Compliance Certification for the certification period

which began on April 21, 2004 through April 20, 2005.

Date 08/30/2006 (509837)

Self Report? NO Classificati Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: PERMIT 19200, Special Condition 9A  
OP FOP O-01956, Special Condition No. 13

Description: Failure to maintain required records of monitoring data.

Date 08/30/2006 (497562)

Self Report? NO Classificati Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: PA SC 20  
OP Spec. Terms & Conditions (STC) No. 13

Description: Failure to operate two incinerators according to the excess oxygen (O2) and carbon monoxide (CO) limits defined by the HDPE I Plant air permit special condition.

Self Report? NO Classificati Moderate

Citation: 30 TAC Chapter 116, SubChapter B 116.115(c)  
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: PA SC 7  
OP STC No. 13

Description: Failure to demonstrate that monthly monitoring for VOC associated with cooling tower water had been conducted in January and February 2005.

Self Report? NO Classificati Moderate

Citation: 30 TAC Chapter 101, SubChapter A 101.20(1)  
30 TAC Chapter 122, SubChapter B 122.143(4)

Rqmt Prov: OP STC No. 1

Description: Failure to equip two open-ended lines (OELs) with a cap, blind flange, plug or a second valve.

Date 11/06/2006 (514634)

Self Report? NO Classificati Major

Rqmt Prov: PERMIT Special Condition No. 1

Description: Failure to meet the demonstration requirements of 30 TAC §101.222 and gain an affirmative defense for emissions released during an emissions event (Incident No. 47973) which was discovered on October 17, 2004.

Self Report? NO Classificati Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT Special Condition No. 1

Description: Failure to meet the demonstration requirements of 30 TAC §101.222 and gain an affirmative defense for thirty-one (31) non-reportable emissions events at the PVC Unit and at the VCM Unit.

Self Report? NO Classificati Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT Special Condition No. 1

Description: Failure to meet the demonstration requirements of 30 TAC §101.222 and gain an affirmative defense for thirty-eight (38) reportable quantity (RQ) releases of vinyl chloride from the VCM Unit, and eleven (11) RQ releases of vinyl chloride from the PVC Unit.

Self Report? NO Classificati Major

Citation: 30 TAC Chapter 101, SubChapter A 101.20(3)  
30 TAC Chapter 116, SubChapter B 116.115(c)

Rqmt Prov: PERMIT Special Condition No. 1

Description: Failure to meet the demonstration requirements of 30 TAC §101.222 and gain an affirmative defense for seven (7) non-reportable emissions events released between January 1 and December 31, 2004 at the EDC Unit.

Self Report? NO Classificati Moderate

Citation: 30 TAC Chapter 101, SubChapter F 101.201(a)

Description: Complete failure to submit notification of reportable emissions events for the VCM and PVC Units.

Self Report? NO Classificati Minor

Citation: 30 TAC Chapter 101, SubChapter F 101.201(b)

Description: Failure to maintain complete non-reportable emissions event final records

for the EDC, PVC, and VCM Units.

Date: 12/18/2006 (517230)

Self Report? NO

Classificati Moderate

Citation: TWC Chapter 26 26.121(a)(1)

Rqmt Prov: PERMIT TPDES Permit No. WQ0002436-008

Description: Failure to prevent an unpermitted discharge of cooling tower blow down water via outfall 008.

Self Report? NO

Classificati Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PERMIT TPDES Permit No. WQ0002436-008

Description: Failure to meet daily maximum discharge loading limit for total zinc at outfall

Self Report? NO

Classificati Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PERMIT TPDES Permit No. WQ0002436-001

Description: Failure to meet effluent limitation for pH maximum and duration at outfall

Self Report? NO

Classificati Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PERMIT TPDES Permit No. WQ0002436-010

Description: Failure to meet effluent limitation for pH maximum at outfall 010.

F. Environmental audits.

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
FORMOSA PLASTICS CORPORATION,  
TEXAS  
RN100218973**

§  
§  
§  
§  
§  
§

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2007-0230-AIR-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Formosa Plastics Corporation, Texas ("Formosa Plastics") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and Formosa Plastics presented this agreement to the Commission.

Formosa Plastics understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Formosa Plastics agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon Formosa Plastics.

The Commission makes the following Findings of Fact and Conclusions of Law:

### **I. FINDINGS OF FACT**

1. Formosa Plastics owns and operates a synthetic chemical manufacturing plant at 201 Formosa Drive, Gate 3 in Point Comfort, Calhoun County, Texas (the "Plant").



2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. During a record review on November 15, 2006, TCEQ staff documented that Formosa Plastics failed to prevent the unauthorized release of air contaminants into the atmosphere during a March 22, 2006 emissions event that lasted 24 hours and 30 minutes. Specifically, maintenance activity at the Vinyl Chloride Monomer ("VCM") Plant caused the release of 143.38 pounds ("lbs") of ethylene dichloride and 14.18 lbs of VCM that were not authorized. The events did not meet the demonstration criteria necessary to present an affirmative defense for the unauthorized emissions.
4. During a record review on November 15, 2006, TCEQ staff documented that Formosa Plastics failed to submit a timely and accurate initial notification of an emissions event within 24 hours of discovery. Specifically, the initial notification was due on March 23, 2006 and was not submitted until September 7, 2006.
5. Formosa Plastics received notice of the violations on February 6, 2007.

## II. CONCLUSIONS OF LAW

1. Formosa Plastics is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, Formosa Plastics failed to prevent the unauthorized release of air contaminants into the atmosphere, in violation of 30 TEX. ADMIN. CODE §§ 101.20(3) and 116.115(c), TEX. HEALTH & SAFETY CODE § 382.085(b), and Air Permit No. 7699, Special Condition No. 1.
3. As evidenced by Findings of Fact No. 4, Formosa Plastics failed to submit a timely and accurate initial notification of an emissions event within 24 hours of discovery, in violation of 30 TEX. ADMIN. CODE § 101.201(a)(1)(A) and (a)(1)(B) and TEX. HEALTH & SAFETY CODE § 382.085(b).
4. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Formosa Plastics for violations of the Texas Water Code and the Texas Health & Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
5. An administrative penalty in the amount of Six Thousand Four Hundred Twenty-Two Dollars (\$6,422) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Formosa Plastics has paid the Three Thousand Two Hundred Eleven Dollar (\$3,211) administrative penalty. Three Thousand Two Hundred Eleven Dollars (\$3,211) shall be conditionally offset by Formosa's completion of a Supplemental Environmental Project.





### III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Formosa Plastics is assessed an administrative penalty in the amount of Six Thousand Four Hundred Twenty-Two Dollars (\$6,422) as set forth in Section II, Paragraph 5 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and Formosa Plastics' compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Formosa Plastics Corporation, Texas, Docket No. 2007-0230-AIR-E" to:  
  
Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088
2. Formosa shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 5 above, Three Thousand Two Hundred Eleven Dollars (\$3,211) of the assessed administrative penalty shall be offset with the condition that Formosa implement the SEP defined in Attachment A, incorporated herein by reference. Formosa's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. Formosa Plastics shall undertake the following technical requirements:
  - a. Within 15 days after the effective date of this Agreed Order, implement procedures to ensure that the initial notifications of emissions events are reported in a timely and accurate manner;
  - b. Within 15 days after the effective date of this Agreed Order, implement procedures to ensure that the calculations for emissions are done correctly;
  - c. Within 15 days after the effective date of this Agreed Order, develop and implement training for maintenance personal to prevent similar future emissions events from occurring; and
  - d. Within 30 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering



Provision Nos. 3.a., 3.b., and 3.c. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Air Section, Manager  
Corpus Christi Regional Office  
Texas Commission on Environmental Quality  
6300 Ocean Drive, Suite 1200  
Corpus Christi, Texas 78412-5503

4. The provisions of this Agreed Order shall apply to and be binding upon Formosa Plastics. Formosa Plastics is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
5. If Formosa Plastics fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Formosa Plastics' failure to comply is not a violation of this Agreed Order. Formosa Plastics shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Formosa Plastics shall notify the Executive Director within seven days after Formosa Plastics becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Formosa Plastics shall be made in writing to the Executive Director. Extensions are not effective until Formosa Plastics receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.




7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Formosa Plastics if the Executive Director determines that Formosa Plastics has not complied with one or more of the terms or conditions in this Agreed Order.
8. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
9. This Agreed Order, issued by the Commission, shall not be admissible against Formosa Plastics in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
10. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
11. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.



## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
For the Executive Director

12/14/07  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Formosa Plastics Corporation, Texas. I am authorized to agree to the attached Agreed Order on behalf of Formosa Plastics Corporation, Texas, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Formosa Plastics Corporation, Texas waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me;
- and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
Signature

10/30/07  
Date

RANDALL P. SMITH  
Name (Printed or typed)  
Authorized Representative of  
Formosa Plastics Corporation, Texas

VP / GENERAL MANAGER  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.





**Attachment A**  
**Docket Number: 2007-0230-AIR-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	Formosa Plastics Corporation, Texas
<b>Penalty Amount:</b>	Six Thousand Four Hundred Twenty-Two Dollars (\$6,422)
<b>SEP Amount:</b>	Three Thousand Two Hundred Eleven Dollars (\$3,211)
<b>Type of SEP:</b>	Contribution to Third-Party Administrator (pre-approved concept)
<b>Third-Party Recipient:</b>	City of Point Comfort <i>Wastewater Treatment Plant Repair Assistance</i>
<b>Location of SEP:</b>	Calhoun County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

**A. Project**

The Respondent shall contribute the SEP Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be to the City of Point Comfort, Texas for its *Wastewater Treatment Plant Repair Assistance* project. The Third Party Recipient shall use SEP funds to assist in rehabilitation of its wastewater treatment system as described below:

- Rehabilitation of the main sanitary sewer lift station (excluding the cost of installation of new high level alarms) to prevent sewage overflows or backups of sewage into residences;
- Replacement of the final effluent outfall line at the wastewater treatment facility site; and
- Simultaneous deconstruction of portions of the former site, which will alleviate storm water inflow into the chlorine contact chamber at the treatment facility.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

**B. Environmental Benefit**

The lift station rehabilitation portion of this SEP will provide a discernible environmental benefit by helping to prevent the release of raw sewage into the environment, which will protect ground, surface, and drinking water sources, the general public and wildlife from contamination from sewage.

Raw sewage can carry bacteria, viruses, protozoa (parasitic organisms), helminthes (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild



gastroenteritis (causing stomach cramps and diarrhea) to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis.

People can be exposed through:

- Sewage in drinking water sources.
- Direct contact in areas of public access such as lawns, in streets, or in waters used for recreation.
- Shellfish harvested from areas contaminated by raw sewage.
- Inhalation and skin absorption.

Sewage overflows may cause damage to the environment. A key concern with sewage overflows is the effect on rivers, lakes, streams, or aquifer systems. In addition to potential spread of disease, sewage in the environment contributes excess nutrients, metals, and toxic pollutants that contaminate water quality, cause excess algae blooms, and kill fish and other organisms in aquatic habitats.

The outfall line and plant deconstruction portions of this SEP will provide a discernible environmental benefit by reducing storm water inflow into the chlorine contact chamber of the treatment facility, which will reduce the likelihood of discharge of improperly disinfected wastewater effluent.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

City of Point Comfort  
Attention: Honorable Pam Lambden, Mayor  
P.O. Box 497  
Point Comfort, Texas 77978

**3. Records and Reporting**

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087



**4. Failure to Fully Perform**

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

In the event of incomplete performance of the SEP, the Respondent shall submit a check for any amount due with a notation that the payment is for a "SEP Refund", and include the docket number of this case. The Respondent shall make the check out to "Texas Commission on Environmental Quality" and mail it to:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**5. Publicity**

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP amount identified in this Agreed Order has not been, and shall not be, included as a SEP amount for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

